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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,958	07/21/2004	Kurt Byskov	742111-156	7149
25570 7590 10/19/2007 ROBERTS, MLOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064			EXAMINER DANNEMAN, PAUL	
			ART UNIT	PAPER NUMBER
			3627	
			NOTIFICATION DATE	DELIVERY MODE
			10/19/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Dbeltran@rmhlaw.com  
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<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/501,958		BYSKOV ET AL.	
	Examiner		Art Unit	
	Paul Danneman		3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>21 July 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Status of Claims

1. This action is in response to the application filed on 21 July 2004.
2. Claims 1-13 have been examined.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-3, 8-10 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Caveney, US 5,038,283 and further in view of Baharav et al., US 6,751,352 B1, henceforth known as Baharav.

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual

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claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1-3, and 9-10:**

With regard to the limitations:

- ***Container label indicating type of items in the container and supplier information.***
- ***Adding an ID label associating container label item types to a database record.***
- ***Labels are bar codes or electronic radio frequency tags.***

Caveney, in at least Fig. 1, Column 1, lines 33-46 and Column 2, lines 16-67 discloses the process of bar coding a shipping container, bar coding of the individual items in the container and recording in a database the container indicia and the identification indicia of items shipped in the container as a container packing record with the quantities of individual items identified with the container within which they are shipped. Transmitting the database record from the shipping location to the receiving location. Caveney in at least Fig. 2, Column 1, lines 58-67 and Column 3, lines 1-9 and lines 38-57 further discloses the process at the receiving location of comparing the identification indicia of the items recorded in the container packing record with the identification indicia of the items in the customer order list and determining if the items received should be put in general inventory stock or repackaged for shipment to a customer. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to conclude that Caveney's disclosure provides the same functionality as applicant's invention.

With regard to the limitation:

- ***Container label and ID label are simultaneously read.***

Caveney only discloses the reading of bar code labels without any disclosure regarding simultaneously reading more than one bar code label. However, Baharav in at least Fig. 6, Fig. 8, and Column 2, lines 17-35 discloses a method for generating and decoding a barcode with

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visual significance (containing a logo, text, an image, barcode or other pattern) as further disclosed in Column 3, lines 50-67. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Baharav provides the bar code generating and decoding solution which exceeds the requirements of Applicant's invention and to modify Caveney's Shipping Method with Baharav's method for generating and decoding a visually significant and durable barcode for implementing a comprehensive and efficient method for shipping and tracking product (Caveney, Column 1, lines 5-6).

**Claims 8 and 13:**

With regard to the limitation:

- ***Simultaneously reading the individual item ID and the container ID comprised of reading a digital image, processing a digital image to recognize and store barcodes, text, and logos.***

Caveney only discloses the use of barcodes and does not disclose the capturing and processing of a digital image. However, Baharav in at least Fig. 6, Fig. 8, and Column 2, lines 17-35 discloses a method for generating and decoding a barcode with visual significance (containing a logo, text, an image, barcodes or other patterns) as further disclosed in Column 3, lines 50-67. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Baharav provides the bar code generating and decoding solution which exceeds the requirements of Applicant's invention and to modify Caveney's Shipping Method with Baharav's method for generating and decoding a visually significant and durable barcode for implementing a comprehensive and efficient method for shipping and tracking product (Caveney, Column 1, lines 5-6).

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5. **Claims 4-7 and 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Caveney, US 5,038,283 and further in view of Baharav et al., US 6,751,352 B1, henceforth known as Baharav. as applied to claims 1-3 and 9-10 above, and further in view of Sakayori et al., US 6,336,078 B1, henceforth known as Sakayori,

**Claims 4-7 and 11-12:**

With regard to the limitation:

- ***Container label is a bar code or electronic radio frequency tag.***

Caveney in at least Column 2, lines 16-49 discloses the use of bard code labels used on each of the individual items to be shipped and a unique bar code for each container within which the individual items are shipped.

With regard to the limitations:

- ***Database record regarding individual items has a ready-for-use mark in a positive or negative state indicating readiness for production.***
- ***Determination of the ready-for-use mark is determined by a time-interval passed from the order date or a technical test of the electrical or other physical properties of the item.***

Caveney and Baharav do not disclose these limitations. However, Sakayori in at least Fig. 1 discloses a Quality Management System and in at least Fig.5, Column 3, lines 16-31 and Column 6, lines 16-31 and lines 42-53 further discloses the process of storing the expected input quality of an item when an order is placed. Sakayori in at least Fig. 8 and Column 8, lines 45-60 further discloses reading the bar code of the container packing list and subsequently reading the bar code of the actual item shipped with the data stored on the computer with respected to the container packing list and determining if they are the same, if the item has changed then the item is subjected to an inspection process to determine the characteristics of the item and subsequently updating the stock data. Sakayori in at least Fig. 8, Column 8, lines 61-67 and

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Column 9, lines 1-15 further discloses updating the quality information for a component change made by a shop request if after the inspection process the quality data of the received component matches the quality data of the component changed by a shop request and notifying all users of that particular part that a change has taken place. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Sakayori's quality management process is functionally equivalent to applicant's invention for determining the usability of an item, and to modify Caveney's Shipping Method with Sakayori's Quality Management of Components and Baharav's method for generating and decoding a visually significant bare code for implementing a comprehensive Quality Management and Inventory Control System to effectively manage design changes within an organization (Sakayori, Column 3, lines 1-11).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Danneman whose telephone number is 571-270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul Danneman

Patent Examiner

GAU 3627

2 October 2007

 10/13/07

**F. RYAN ZEENDER**  
**PRIMARY EXAMINER**